

Town of Menasha Board of Supervisors Regular Meeting
Municipal Complex - Assembly Room - June 25, 2007

Minutes

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Town Chair Arden Tews called the Meeting to order at 6:00 p.m. followed by the Pledge of Allegiance and asked everyone to remain standing for a moment of silence in remembrance of Jerry Jurgensen. Present were Chairman Tews, Supervisor McQuillan and Supervisor Youngquist. Supervisor Hanson was excused. Supervisor #3 was vacant.

Others present: Administrator Sturgell, , Dir. Comm. Dev. Dearborn, Clerk Tweedie, Attorney Koehler, Fire Chief Kiesow, Police Chief McCants, Assessor Eiberger, Dir. Parks & Rec. Kading, Network Admin. Tim Plagenz, P. C. Reporter Mike King, Eugene Grundy, Melvin Schultz, Dale Knaack, Barb Knaack, Joe Riedel, Jeanne Riedel-Magnus, Vic Magnus, Joe Clohessy, Kim Clohessy, Willis Timm, Conrad Prusse, Norman Miller, Diane M. Miller, Randall Sorensen, Dee Lynch, Mike Lynch, Gerald Voigt, William Ottow, Mike Lettier, John Schaidler, Jay Schroeder, Dale McNamee, Paul Eisen, Carol Schultz, Renee Bisner, Patti Haase, Allen Haase, Marilyn Danz, Marilyn Anunson, Bruce Anunson, Dede Sharp, Dan Sharp, Lori Osero, Dan Osero, Lynn Schweitzer, Mike Dillon, Deb Swiertz, Yvonne Chanda
Excused was Dir. of Finance Piergrossi

2. REMEMBRANCE OF SUPERVISOR JERRY JURGENSEN

Chairman Tews described Jerry Jurgensen as a kind, gentle and friendly person who was very much a part of not only our Town, but our community as well. Jerry Jurgensen passed away on June 13, 2007 at Theda Clark Hospital. He served the Town of Menasha for 12 years as a Town Board Supervisor and a Utility District Commissioner, was on the town's Personnel Committee and served on the Grand Chute-Menasha West Sewerage Commission. On behalf of the Board and staff, Chairman Tews extended their appreciation for Jerry Jurgensen's service to the town and said that he will be fondly remembered. Chairman Tews suggested if anyone has the opportunity, condolences, prayers and support to the Jurgensen family will be greatly appreciated. Chairman Tews added, what he personally remembers most is Jerry's enthusiasm to try to do the right thing which was the best for all people.

3. AWARDS/PRESENTATIONS

- a) *Police Department - 15 Year Service Pin* - Police Chief McCants awarded Officer Tralongo a pin in recognition of his 15 years of service with the department. He has worked in the Patrol Division and also in the Meg unit and Investigative unit. Officer Tralongo could not attend the meeting to receive his award.
- b) *Police Department - 5 Year Service Pin* - Lieutenant Seaver was present to receive his pin in recognition of 5 years of service. He was hired on 6/11/02 and worked as a supervisor in the Patrol Division, and thereafter as Administrative Lieutenant and oversees the communication room, the communication technicians amongst other various duties.
- c) *Police Department - 2 Year Service Pin* - Officer Brandt was present to receive two pins. A pin was awarded in recognition of 2 years of service with the Police Department. Officer Brandt was hired on 9/29/03 and while working as a Town of Menasha police officer, left for Iraq and served from Aug. 2005-2006. Chief McCants recognized Officer Brandt's 2 year pin was overdue and thanked him for his two years of service.

A Military Pin was also awarded. Officer Brandt joined the Army in 1995 and was stationed at Ft. Hood; June-Sept. 1997 was deployed to Kuwait with the Gulf War; joined the Army National Guard in 1998; was again deployed to Iraq from Aug. 2005-06. Police Chief McCants added that Officer Brandt is very loyal to his country and very dedicated and committed to the soldiers that he served with.

- d) *Fire Department - Presentation of Lieutenant Helmet* - Fire Chief Kiesow presented Ryan Hintz with a badge and a collar brass after being promoted to Lieutenant. He began as a High School stu-

dent intern on Aug. 31, 2000 and worked throughout the school year. Ryan was eventually hired on as a paid-on-call firefighter.

4. PUBLIC FORUM - Non-Agendized Town Related Matters

Those who wished to speak were: Barb Knaack, Irish Road, asked board members whether they were aware of the amount of money spent so far on attorney fees for the N.W. Interceptor; commented on the accountability of our public officials' decisions and actions, encouraged their awareness of money spent on town projects as they progress; encouraged board members to keep asking questions.

Willis Timm, Irish Road, stated the SBC ran telephone lines and did not return to fill the holes and asked when something would be done. Chairman Tews suggested they discuss it after the meeting.

Jay Schroeder, N. Lake Street, said Jerry Jurgensen was willing to be helpful and friendly to anyone, and stated he felt disappointed that approx. 5 months ago he had asked for some type of recognition for Jerry; felt a letter he received from the Capital Campaign Committee on the Fritse Park redevelopment was contradictory to what he had been reading about the project and explained; commented that the repair of Town roads should not be the focus now, but should be on the trails and promoting them.

5. DISCUSSION ITEMS

a) Clarification of Leaf Burning Ordinance: Fire Chief Kiesow gave another overview of the open burning and again explained there is no ban on burning, but it is restricted which means you can burn with the required distances, wind speeds, you can burn in a barrel or appropriate fire pit during daylight hours etc. Chairman Tews reiterated this has always been in the ordinance but the word restricted seems to have been misinterpreted; residents should follow the rules when burning.

Joe Riedel, Sandlewood Street, stated Deputy Chief Phillips did a good job explaining the open burning at the last meeting, and again restated that his research had found most of the surrounding areas with the exception of the Town of Neenah disallows the burning of leaves. He asked why the Town does not follow the other municipalities. Mr. Riedel stated burning should only be allowed with wood; feels the time will come when it will have to stop, with Comm. Dev. Dir. Dearborn stating it is costing us millions to clean up what is going into our waterways.

Dale McNamee, Whippletree Lane, commented that the Town of Menasha does not have to follow what other towns do; people should not burn their garbage and other disallowed items in their burn containers/fire pits and felt law enforcement should step in and give a fine to those who do not obey.

6. OLD BUSINESS - None

7. NEW BUSINESS

Chairman Tews requested to deviate from the agenda. A motion was made by McQuillan, seconded by Youngquist to move item number 070625-3 first. Motion carried.

c) 070625-3: Approve Wireless Phone Contract
MOTION: McQuillan/Youngquist to approve. Motion carried.

a) 070625-1: Conditional Use Permit Modification - Jacobsen Creek Condos - Gary Laeyendecker - Westcreek Lane
MOTION: Youngquist/McQuillan to approve.
Comm. Dev. Dir. Dearborn showed a map of the area and discussed the resolution which explained the relocation of the Jacobsen Creek Condos trail due to being in a wetland area.
Motion carried.

b) 070625-2: County Zoning Text Amendment - Winnebago County Planning and Zoning Committee - Delete and Recreate Section 17.13(6) - Adult Entertainment Overlay District
MOTION: Youngquist/McQuillan to approve.

Comm. Dev. Dir. Dearborn presented mapped areas of the town and explained Winnebago County's Adult Entertainment Overlay Zoning Text Amendment and setback requirements as well as reasons for the County to request those Towns who voted in opposition to reconsider their vote of the amendment. He also gave possible future results if the distance of the setback were not modified, and noted a nightclub who has filed a lawsuit.

(To view the memo of 6/21, maps, Plan Comm. memo of 6/8, letters, Attach. 2 proposed text amendments, W.C. Public Hrg announcement, W.C. ordinance, and the T/Neenah resolution on the town's website, see the footnote below the June 25 link).

Dir. Dearborn also showed on the map areas of 5 possible sites in the Town which could fall into the adult overlay district using the proposed 600 ft. setback requirement, and stated there are many processes to follow to gain approval of an adult entertainment facility.

Attorney Koehler explained the reasoning by which the town could be covered using the amended 600 ft. setback, and risk being overturned by the court using the 2000 ft. setback currently in place.

County Planning Commissioner and Winnebago County Supervisor Dist. 28, John Schaidler, explained the current ordinance in place contains a 2000 ft. setback which is too restrictive and feels in the Supreme Court would be thrown out as unconstitutional and therefore unenforceable. He encouraged the town board to approve the amendment as the Planning Commission had at their meeting, and informed the board of a public hearing on the matter tomorrow evening at Winnebago County.

William Ottow, Dunning Street, wanted board members to vote against it and not buckle under County's ordinance; asked why we should have ordinances at all if they are unenforceable; wanted residents to remember the County Representatives who support the amendment at election time; agrees with postponing this ordinance.

Lori Osero, E. Shady Lane, questioned why the issue suddenly popped up and wondered whether it was one establishment in question. Director Dearborn explained there was a court case filed by an establishment in the Town of Neenah.

Dale McNamee, Whippletree Lane, wanted the board to know that with the 2000 ft. setback, the location at the corner of Olde Buggy and West American Drive is still very close to his house and encourages even more difficulty; wants these types of businesses to jump through more hoops to obtain a permit; asked whether the issue could be postponed to have time to investigate other case laws; questioned the legal fees to fight it. Dir. Dearborn stated the Town must formally ask Winnebago County for postponement as it is the County's ordinance.

Supervisor McQuillan stated she understands the board needs to do something, and realizes that the Town is trying to get into our own planning and zoning, and felt she would perhaps amend if it means getting out of County zoning. County Supervisor Schaidler stated he wanted to be cooperative with the Town of Menasha and not stand in the way but described how the town falls under county zoning right now so it affects all of us.

Supervisor Youngquist posed the question to staff: if a facility in the Town were to open as a sport's bar and thereafter turned into a cabaret, how we would regulate it. Dir. Dearborn answered with a new ordinance in place the Town of Menasha Police Department could shut them down.

Conrad Prusse, Treyburn Court, asked why there was a debate and felt it is a moral issue; said No, feels the 2000 ft. setback is still too close; also concerned of not only small children, but how the adults are affected too.

Marilyn Danz, Treyburn Court, was thankful for the Post Crescent newspaper article on the topic or she wouldn't have known about it. She stated she viewed this as a scare tactic and is relying on our values, reinforcing that people must be responsible, in numbers; wants to take back morality issues.

Lynn Schweitzer, E. Shady Lane, wondered what prompted County and the municipalities to look at the adult overlay ordinance and said she heard rumors of an establishment moving into the town. Dir. Dearborn explained that the establishment in the Town of Neenah known as Stars Nightclub filed

a lawsuit in Winnebago County challenging the ordinance and it is all open record for public knowledge.

Attorney Koehler told board members, by voting for the amendment does not reduce the morals of the board members by passing an ordinance that holds scrutiny by the Court. He added that staff must be aware just because those who say they are going to Court doesn't necessarily mean they will fight it.

After discussion, Chairman Tews stated he wanted to delay the matter for 30 days.

MOTION: Youngquist/McQuillan to recommend to Winnebago County a 30-day delay.

Motion carried 3-1-1 with Chairman Tews, Supervisor McQuillan and Supervisor Youngquist voting AYE, Supervisor Hanson was excused, Supervisor #3 vacant. Motion carried.

On the main motion, motion carried.

d) 070625-4: Creation of CB Park

MOTION: Youngquist/McQuillan to approve.

The CB park area containing 63 acres would be divided into two parcels of which 61.92 acres will be transferred to the jurisdiction of the Town Park Commission for park purposes, leaving an adjacent parcel of 1.88 acres.

Dale McNamee, Whippetree Lane, suggested placement of a building in the park, and wants to recognize past, present and future military servicemen with a monument of some sort. He would also like to see the formation of a committee to work out the details.

Resident and Park Commissioner Mike Lynch, E. Shady Lane, stated he received telephone calls regarding the support of a park. He thanked those 298 people who voted at the Annual Town Meeting, supports renaming it Veteran's Memorial Park or something similar and encouraged residents to attend the Park Commission meetings and bring with them their ideas for naming the park.

Mike Dillon, Fox Burrow Court, asked staff to confirm where entrances to the park would be, and two possible locations were given.

Jay Schroeder, N. Lake Street, asked for clarity of wording used in a sentence in the 3rd paragraph of the resolution and Attorney Koehler explained the wording came from State Statutes; inquired about a town-owned parcel next to the Municipal Complex, and feels it should be developed now and funding set up in case of future sale of the land.

On the motion, motion carried.

e) 070625-5: Expenditures

MOTION: Youngquist/McQuillan to approve. Motion carried.

f) 070625-6: Approve Wireless Phone Contract

MOTION: McQuillan/Youngquist to approve. Motion carried.

g) 070625-7: Annual Alcohol Beverage License Applicants

MOTION: McQuillan/Youngquist to approve. After discussion, MOTION: McQuillan/Youngquist to amend, naming the Agent for Marathon Dhan M. Thapa. On amendment, motion carried. On main motion, motion carried.

h) 070625-8: Annual Mobile Home Park License Applicant - Jim's Friendly Village

MOTION: Youngquist/McQuillan to approve. Motion carried.

i) 070625-9: Operator License Applicants

MOTION: McQuillan/Youngquist to approve. Motion carried.

8. ORDINANCES/POLICIES/AGREEMENTS

a) 070625-1: ORD Amend Town of Menasha Municipal Code Chapter 2 - Posting of Official Meeting Notice First Reading

MOTION: Youngquist/McQuillan to accept the First Reading as submitted. Motion carried.

9. PERSONNEL10. APPROVAL OF MINUTES

a) Regular Town Board Meeting - May 21, 2007

b) Joint Park Commission & Town Board of Supervisors Meeting - June 13, 2007

MOTION: McQuillan/Youngquist to dispense with the reading of the above minutes and approve as submitted.

MOTION: McQuillan/Tews to amend the Joint Park Comm. & TB minutes. Under New Business, A. 1. after the first sentence, adding sentence to read "Two board members noted that their comments were not included in the survey and asked Dir. Kading to find out why". Under A. 3., 2nd paragraph, first sentence, approx. \$3 million dollars would be needed, and added the words (\$1.2 million already in budget plus \$1.8 million additional). On the amendments, motion carried. On main motion, motion carried.

11. CORRESPONDENCE - None12. REPORTS

a) *Supervisor Youngquist - Listening Sessions*: Supervisor Youngquist wants to begin holding listening sessions for Town residents in order to gain feedback on a variety of issues and stated it would be on an experimental basis. The first sessions will be held as follows:

- ◆ Monday, July 16 at Community Center, Badger Room, from 6:00-7:00 pm. Next session:

- ◆ Monday, July 30 at Municipal Complex, Assembly Room, from 6:00-7:00 pm.

Future meetings, if held, will be rotated each month, and advertised on the town's website home-page at www.town-menasha.com, in the Town's newsletter, "The Bridge", and hopefully the Post Crescent newspaper.

b) *Community Development Director Dearborn*

- ◆ *Trails on East Side of Town*: Director Dearborn presented maps showing current and future trails within the town and discussed. (Maps attached)

- ◆ *Activities of the Fox Cities Economic Development Partnership - Potential Formation of a Foreign Trade Zone*: Discussed the need for the formation of a foreign trade zone in order to save costs on the paying of tariffs when importing into our country from foreign countries.

- ◆ *Status of Intergovernmental Service Contract with Town of Winchester*: Director Dearborn attended a meeting at the Town of Winchester, and signed an agreement prepared by the town's attorney to contract the Town's Community Development Dept. employees to assist Winchester with services, and stated it will also generate additional town revenue. Director Dearborn added that the services provided will be second to the work required by their department for the Town of Menasha.

13. MOTIONS BY SUPERVISORS14. ADJOURNMENT

At 8:18 p.m., MOTION: McQuillan/Youngquist to adjourn. Motion carried.

Respectfully submitted,

Karen J. Tweedie, Town Clerk